

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BRENDAN WARD MASONRY, INC.

Plaintiff

v.

WU & ASSOCIATES, INC.

Defendant

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C. A. NO. 07-751

BREACH OF CONTRACT

JURY TRIAL DEMANDED

**AMENDMENT TO COMPLAINT OF RIGHT
PURSUANT TO RULE 4.1(b)**

Pursuant to Delaware District Court Civil Rule 4.1(b), the plaintiff hereby amends its Complaint to allege that defendant Wu & Associates, Inc. is an out-of-state New Jersey corporation, as demonstrated by the Affidavit of Non-residence (Exhibit A). It is further alleged that defendant Wu & Associates, Inc. was served pursuant to 10 Del. C. § 3104(d) as demonstrated by the attached letter (Exhibit B) and the registered mail return receipt (Exhibit C). Said receipt was received by plaintiff's counsel on December 10, 2007.

ABER, GOLDLUST, BAKER & OVER

/s/ Perry F. Goldlust

PERRY F. GOLDLUST, ESQUIRE (DSB #770)

702 King Street, Ste. 600

P.O. Box 1675

Wilmington, DE 19899-1675

(302) 472-4900; (302) 472-4920 (FAX)

pgoldlust@gablawde.com

Attorney for Plaintiff Brendan Ward Masonry, Inc

DATED: December 10, 2007

Of Counsel:

JOHN E. HILSER, ESQUIRE
DEVLIEGER HILSER, P.C.
1518 Walnut Street, 16th Floor
Philadelphia, PA 19102
(215) 735-9181; (215) 735-9186 (FAX)
jhilser@dvhlaw.com

EXHIBIT A

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BRENDAN WARD MASONRY, INC.

Plaintiff

v.

WU & ASSOCIATES, INC.

Defendant

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C. A. NO. 07-751

BREACH OF CONTRACT

JURY TRIAL DEMANDED

AFFIDAVIT OF NON-RESIDENCE

I, **PERRY F. GOLDLUST**, am the attorney for the plaintiffs in C. A. No. 07-751. This affidavit is made on behalf of the plaintiffs in accordance with the provisions of 10 Del. C. § 3104(d) and is filed as an amendment to the Complaint.

The defendant, Wu & Associates, Inc., is a corporation of the State of New Jersey with its principal address located at 597 Deer Road, Cherry Hill, New Jersey, 08034.

On December 6, 2007, a notice (a copy of which is attached hereto and incorporated by reference is more fully set forth) was sent to the defendant by registered mail, return receipt requested, at the address set forth above. On December 10, 2007, the return receipt No. RB 669 218 729 US (a copy of which is attached hereto and incorporated by reference is more fully set forth) was received on behalf of the plaintiffs from the postal authorities showing service was accepted on December 7, 2007 by a signing agent for the defendant Wu & Associates, Inc.

ABER, GOLDLUST, BAKER & OVER

/s/ Perry F. Goldlust

PERRY F. GOLDLUST, ESQUIRE (DSB #770)

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Wilmington, DE 19899-1675

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Attorney for Plaintiff Brendan Ward Masonry, Inc

DATED: December 10, 2007

Of Counsel:

JOHN E. HILSER, ESQUIRE

DEVLIEGER HILSER, P.C.

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jhilser@dvhlaw.com

EXHIBIT B

ABER, GOLDLUST, BAKER & OVER

First Federal Plaza
702 King Street, Suite #600
Wilmington, DE 19801
(302) 472-4900

Attorney: Perry F. Goldlust Requested by: Lois E. McAlees

File Name: Brendan Ward Masonry, Inc. v. Wu & Associates, Inc.

File #: 5134.001 Date: 12/6/07

Document: Letter to Wu & Associates w/copy of complaint documents

COURT FILINGS

- | | |
|---------------------------------|--------------------------------------|
| () Bankruptcy Court (4:00) | () Family Court (4:30) |
| () J.P. Court 13 (4:00) | () I.A.B. (4:30) |
| () U.S. District (4:30) | () Register of Wills (4:30) |
| () Register In Chancery (4:30) | () Recorder of Deeds (4:45) |
| () Supreme Court (4:30) | () Prothonotary (5:00) |
| () Common Pleas (4:30) | () Public Employment Relations Bd., |
| () other _____ | State Off. Bldg., 4th Floor |

OF EXTRA COPIES TO BE CLOCKED IN _____
(X) THERE WILL BE NO CLOCK-INS

OTHER INSTRUCTIONS _____

PICKUP: _____

HAND DELIVERY: _____

Post Office

Date: _____

Registered No. <u>RB 669218 1989 US</u>		Date Stamp <u>DEC 6 2007</u> 12/06/07 USPS
Reg. Fee	\$9.50	
Handling Charge	\$0.00	Return Receipt \$2.15
Postage	\$1.82	Restricted Delivery \$0.00
Received by <u>AE</u>		
Customer Must Declare Full Value \$ <u>0.00</u>		<input type="checkbox"/> With Postal Insurance <input checked="" type="checkbox"/> Without Postal Insurance
OFFICIAL USE		
FROM	<u>Perry F. Goldlust</u> <u>702 King Street</u> <u>P.O. Box 1675</u> <u>Wilmington DE 19899</u> <u>Wu + Associates</u> <u>5 Cherry Hill Rd</u> <u>Cherry Hill, NJ 08034</u>	
TO	<u>5 Cherry Hill Rd</u> <u>Cherry Hill, NJ 08034</u>	

RECEIPT

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer
May 2004 (7530-02-000-9051)
(See Information on Reverse)
For domestic delivery information, visit our website at www.usps.com

PARCELS Inc.

LAW OFFICES

ABER, GOLDLUST, BAKER & OVER

(AN ASSOCIATION OF LAW PRACTICES)

702 KING STREET, SUITE 600

P.O. Box 1675

WILMINGTON, DELAWARE 19899-1675

GARY W. ABER, P.C.

PERRY F. GOLDLUST, P.A.*

DARRELL J. BAKER, P.A.

SUSAN C. OVER, P.C.

SHAUNA T. HAGAN

SAAGAR B. SHAH**

(302) 472-4900

TELECOPIER (302) 472-4920

SENDER'S DIRECT FAX NO. (302) 792-7484

E-Mail: pgoldlust@gablawde.com

*ALSO ADMITTED IN NEW YORK

**ALSO ADMITTED IN PENNSYLVANIA

December 6, 2007

VIA REGISTERED MAIL, RETURN RECEIPT REQUESTED

Wu & Associates, Inc.
597 Deer Road
Cherry Hill, NJ 08034

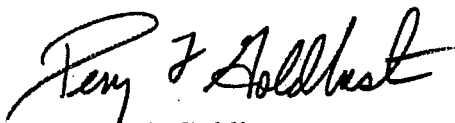
RE: Brendan Ward Masonry, Inc. v. Wu & Associates, Inc.
C.A. No. 07-751
Our File No. 5134.001

Dear Sir or Madam:

Enclosed please find a copy of the Summons, Complaint, and Sheriff's Return for the above-referenced action. The Summons and Complaint were served upon the Secretary of State of the State of Delaware on December 4, 2007.

Service of the original of these documents has been made upon the Secretary of State of the State of Delaware under the provisions of 10 Del. C. § 3104(d). Pursuant to 10 Del. C. § 3104(d), such service is as effectual for all intents and purposes as if it had been made upon you personally within the State of Delaware.

Very truly yours,



Perry F. Goldlust

/lem

Enclosures

EXHIBIT C

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Wu + Associates
597 Deer Road
Cherry Hill, NJ
08034

2. Article Number
(Transfer from service label)

RB 669 218 729 US

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Jeffrey D. [Signature]

☐ Agent
☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

12/15/07

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☒ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes
Perry F. Goldlust, Esq.
RECEIVED

DEC 10 2007

Remarks _____